
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

LUMI BRADFORD,

Plaintiff,

v.

SLC POLICE DEPARTMENT and SLC
NEIGHBORHOOD WATCH,

Defendants.

**REPORT AND RECOMMENDATION
TO DISMISS**

Case No. 2:09-CV-00144 DAK

District Judge Dale A. Kimball

Magistrate Judge David Nuffer

On January 13, 2010, the magistrate judge granted an unopposed motion for more definite statement and ordered¹ that Plaintiff Lumi Bradford file a Second Amended Complaint within 20 days of that Order. The Order specified criteria for that Second Amended Complaint.² The amendment was to cure confusion in the identity of defendants affiliated with Salt Lake City and lack of clarity in the nature of Plaintiffs' claims. As stated by the Salt Lake City Attorney, "neither of the two causes of action set forth by Bradford appear to be based on federal statutory or constitutional law, nor do they allege any specific wrongdoing of any kind against the City or any of its employees."³ Plaintiff has not filed a Second Amended Complaint.

On January 26, 2010, the magistrate judge recommended the case against the Department of Human Services be dismissed.⁴ Plaintiff did not object to that recommendation and the

¹ Order Granting Motion for More Definite Statement, Docket no. 18, filed January 14, 2010.

² *Id.* at 1-2.

³ Memorandum in Support of Salt Lake City Corporation's Motion for a More Definite Statement, docket no. 16, filed June 25, 2010.

⁴ Report and Recommendation to Grant Motion to Dismiss, docket no. 19, filed January 26, 2010.

district judge dismissed that defendant.⁵

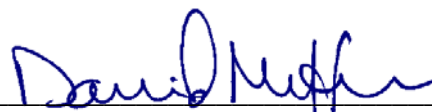
Now, the only clearly identified defendant has been dismissed and the defects in the Amended Complaint have not been cured. Plaintiff has not filed any papers in this case since May 22, 2009.⁶ Because the necessary Second Amended Complaint has not been filed, and the Amended Complaint is too indefinite to allow the case to proceed, the magistrate judge recommends that the case be dismissed.

NOTICE TO THE PARTIES

Within 14 days after being served with a copy of this recommended disposition, a party may serve and file specific, written objections. A party may respond to another party's objections within 10 days after being served with a copy thereof. The rules provide that the district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject or modify the recommended decision, receive further evidence, or re-commit the matter to the magistrate judge with instructions. Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

Dated this 2nd day of March, 2010.

BY THE COURT



Magistrate Judge David Nuffer

⁵ Order Adopting Report and Recommendation, docket no. 20, filed February 23, 2010.

⁶ Amended Complaint, docket no. 12, filed May 22, 2009.